

**\*E-Filed: October 27, 2014\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

INNOVATIVE AUTOMATION LLC,

No. C13-05651 JD

Plaintiff,

**ORDER RE DISCOVERY DISPUTE  
JOINT REPORT #1**

v.

KALEIDESCAPE, INC.,

**[Re: Docket No. 41]**

Defendant.

Innovative Automation LLC (“IA”) sues Kaleidescape, Inc. for infringement of U.S. Patent No. 7,174,362 C1 (“the ’362 patent”). IA’s infringement contentions identify the accused instrumentality as “the Kaleidescape home entertainment systems (including Kaleidescape servers, players, disc vaults, and Kaleidescape Store) that download, store, and stream digital video and audio content (the ‘Kaleidescape Home Entertainment System’).”

IA served its First Set of Interrogatories to Kaleidescape in March 2014. Relevant here, Interrogatories Nos. 1 and 2 requested identification of all individuals involved in the design, development, testing, and manufacture of the accused instrumentalities and relevant source code; Interrogatory No. 3 requested information about the computer servers involved in the accused instrumentalities; Interrogatories Nos. 4 and 5 sought information about the source code for the accused instrumentalities; Interrogatories Nos. 6, 7, and 8 sought information regarding the sales, revenues, profits, and cost information for each accused instrumentality; and Interrogatory No. 11

1 requested identification of all of Kaleidescape's employees with managerial authority whose roles  
2 related to any accused instrumentality.

3 Presently before the Court is the parties' Discovery Dispute Joint Report #1 ("DDJR #1").  
4 Dkt. No. 41. IA argues that Kaleidescape's responses to Interrogatories Nos. 1-8, and 11 are  
5 insufficient. With respect to Interrogatories Nos. 1 and 2, IA argues that Kaleidescape identified  
6 only three individuals, when it is likely that more were involved in the development, testing, and  
7 manufacture of the accused instrumentalities and relevant source code. With respect to  
8 Interrogatories Nos. 3, 4, 5, and 11, IA argues that Kaleidescape failed to identify any responsive  
9 documents. With respect to Interrogatories Nos. 4 and 5, IA argues that Kaleidescape only  
10 generally identified Kaleidescape's entire body of source code, without identifying the relevant  
11 aspects. With respect to Interrogatories Nos. 6, 7, and 8, IA argues that Kaleidescape failed to  
12 respond to the information requested regarding the number of media downloads by consumers  
13 between February 6, 2007 and the present, the revenue and profits received in connection with those  
14 purchases, profits and costs associated with the Kaleidescape systems dating back to February 6,  
15 2007, and gross revenue dating back to February 6, 2007.

16 The information sought in each of the disputed interrogatories relies on the identification of  
17 the accused instrumentalities. As found in the Order Granting Defendant's Motion to Strike or  
18 Compel Supplementation of Plaintiff's Patent L.R. 3-1 Disclosures, IA's infringement contentions  
19 failed to specifically identify the accused instrumentalities. Dkt. No. 69. Kaleidescape cannot  
20 provide the requested information without knowing which products IA accused of infringement.  
21 Accordingly, the Court denies IA's requests without prejudice.

22 **IT IS SO ORDERED.**

23 Dated: October 27, 2014



24 **HOWARD R. LLOYD**  
25 UNITED STATES MAGISTRATE JUDGE  
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**C13-05651 JD Notice will be electronically mailed to:**

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